

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 20 2013 ★

TM:NMA/RJN/AL  
F. #2010R00195

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

- - - - - X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

10-CR-147 (S-6) (SLT)

MICHAEL PERSICO,

Defendant.

- - - - - X

WHEREAS, on or about June 8, 2012, the defendant, MICHAEL PERSICO, entered a plea of guilty to Count One of the above-captioned Superseding Information (S-6), charging a violation of 18 U.S.C. § 371; and

WHEREAS, the defendant has consented to the entry of a forfeiture money judgment in the amount of three hundred twenty-five thousand dollars (\$325,000) in United States currency (the "Forfeiture Money Judgment") pursuant to 18 U.S.C. § 981 (a)(1)(C), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), as property constituting or derived from proceeds obtained directly or indirectly as a result of his violation of 18 U.S.C. § 371, as property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation, and/or as substitute assets.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent, by and between the United States and the

defendant as follows:

1. The defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment, pursuant to 18 U.S.C. § 981(a)(1)(c), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p).

2. Payment of the Forfeiture Money Judgment shall be made by certified or bank check, payable to the "United States Marshals Service." On or before August 3, 2012, the defendant shall cause said check to be hand-delivered to Assistant United States Attorney Brian Morris, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the check.

3. If the Forfeiture Money Judgment is not paid on or before August 3, 2012, interest shall accrue on any unpaid portion thereof at the judgment rate of interest from that date. Further, if the defendant fails to pay any portion of the Forfeiture Money Judgment on or before the Final Due Date, the defendant consents to the forfeiture of any other property of the defendant up to the amount of the Forfeiture Money Judgment, pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedures Act, or any other applicable law.

4. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment. The

defendant shall not file or interpose any claim or assist others to file or interpose any claim to any property against which the government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding.

5. The defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of the money forfeited hereunder, including notice set forth in an indictment or information. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said money, and waives all constitutional, legal and equitable defenses to the forfeiture of said money, including, but not limited to, any defenses based on principles of double jeopardy, the Ex Post Facto clause of the Constitution, the statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines. The forfeiture of the money forfeited hereunder is not to be considered a payment of a fine or restitution or a payment on any income taxes that may be due. The forfeiture of the money forfeited hereunder is not an admission of the amount of loss for purposes of the calculation of the Sentencing Guidelines or for purposes of the calculation of the amount of restitution.

6. Upon entry of this Order, the United States Attorney General or his designee is authorized to conduct any proper discovery in accordance with Fed. R. Crim. P. 32.2(b)(3)

and (c).

7. The terms contained herein shall be final and binding only upon the Court's "so ordering" of this Order.

8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(a), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. This Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

9. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

10. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order.

11. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Order to FSA Paralegal Nicole Brown, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York  
*May 17* ~~January~~ 17, 2013  
SLT

/s/(SLT)

/ HONORABLE SANDRA L. TOWNES  
UNITED STATES DISTRICT JUDGE